

**EXHIBIT 4**

**Claimants**  
**Jonathan Jacob Sacher**  
**Third**  
**18 March 2008**  
**"JJS2"**

**IN THE HIGH COURT OF JUSTICE**

**QUEEN'S BENCH DIVISION**

**COMMERCIAL COURT**

**B E T W E E N:**

**(1) CAVELL USA INC**

**(2) KENNETH EDWARD RANDALL**

**Claimants**

**- and -**

**(1) SEATON INSURANCE COMPANY**

**(2) STONEWALL INSURANCE COMPANY**

**Defendants**

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**THIRD WITNESS STATEMENT OF JONATHAN JACOB SACHER**

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I, JONATHAN JACOB SACHER, of Berwin Leighton Paisner LLP Adelaide House London Bridge  
London EC4R 9HA, WILL SAY AS FOLLOWS:

**Introduction**

- 1 I am the same Jonathan Jacob Sacher who made a witness statement in this matter on 11 March 2008. I have also made a second witness statement dated 18 March 2008, which is exhibited to this statement and to which I refer further below. I am duly authorised to make this further witness statement on behalf of the Claimants in support of their application to set aside the order made by Mr Justice Field on 4

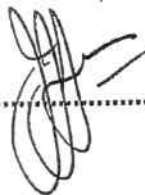
March 2008 and in opposition to the Defendants' application for a stay of these proceedings.

- 2 The facts and matters set out in this witness statement are within my knowledge and derived from my conduct of this case, and are true.
- 3 In paragraphs 68 of my first witness statement, I stated that the Claimants intended to apply for an order that the Court direct the trial of a preliminary issue, and for an anti-suit injunction. At the time that I signed my first statement, that application was in draft form. It has now been finalised. I attach to this witness statement marked "JJS2" a paginated bundle containing the proposed application (pages 1-3), a proposed draft order in relation to that application (pages 4-6) and my second witness statement in support of the application (pages 7-12). It will be seen that in fact the Claimants do not pursue the anti-suit injunction element of the proposed application, for the reasons set out in detail in paragraphs 11-14 of my second statement.
- 4 The application has not been issued. The only reason for this is that since the Order of Mr Justice Field dated 4 March 2008 stayed these proceedings pending the outcome of the Motion to Dismiss in New York, it is not possible to issue an application until the determination of the Claimants' application to lift the stay of proceedings. If the stay is lifted, the Claimants will invite the Court to determine the application immediately; failing that, the Claimants will seek to have it listed as soon as possible.

#### STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed: .....



Dated: .....

18 March 2008

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\*berwin leighton paisner

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